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UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF TEXAS
EL PASO DIVISION

IN RE: **Tomas J Murga, Sr.**
Julieta Zermenio Murga
Debtor(s)

Case No. 15-31296

Chapter 13 Proceeding

AMENDED **MODIFIED**

DEBTOR(S)' CHAPTER 13 PLAN

AND MOTIONS FOR VALUATION AND LIEN AVOIDANCE

Creditors are hereby notified that the following Plan may be amended at any time before confirmation. Any amendment may affect your status as a creditor. The Debtor's estimate of how much the Plan will pay, projected payments, and estimates of the allowed claims may also change. The following information advises creditors of the status of the case based on the information known at the time of its preparation. Any special concerns of a creditor may justify attendance at the Meeting of Creditors and such other action as may be appropriate under the circumstances. More detailed information is on file at the Office of the United States Bankruptcy Clerk in El Paso or Waco, Texas. Local Bankruptcy Rules and Standing Orders on procedures are available at the Clerk's Office and online at www.txwb.uscourts.gov.

Use of the singular word "Debtor" in this Plan includes the plural where appropriate.

Plan Summary

- A. The Debtor's Plan Payment will be Variable Payments, paid by Pay Order or Direct Pay for 59 months. The gross amount to be paid into the plan is \$91,875.00.
- B. The Plan proposes to pay all allowed priority claims in full, all secured claims to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI below, and approximately 12% of each unsecured allowed claim.

THIS PLAN DOES NOT ALLOW CLAIMS. YOU MUST FILE A PROOF OF CLAIM BY THE APPLICABLE DEADLINE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN THAT MAY BE CONFIRMED. CREDITORS ARE REFERRED TO THE FEDERAL RULES OF BANKRUPTCY PROCEDURE, THE LOCAL BANKRUPTCY RULES FOR THE WESTERN DISTRICT OF TEXAS, AND THE APPLICABLE STANDING ORDER RELATING TO CHAPTER 13 CASE ADMINISTRATION FOR THIS DIVISION, FOR INFORMATION ON THESE AND OTHER DEADLINES.

- C. The value of the Debtor's non-exempt assets is \$0.00.
- D. If the payment of any debt is proposed to be paid directly by the Debtor outside the Plan, it is so noted in Section VI(1), set forth below.

Plan Provisions

I. Vesting of Estate Property

- Upon confirmation of the Plan, all property of the estate shall vest in the Debtor and shall not remain as property of the estate.
- Upon confirmation of the Plan, all property of the estate shall not vest in the Debtor, but shall remain as property of the estate.
- Other (describe):

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Continuation Sheet # 1

II. Pre-Confirmation Disbursements

In accordance with the applicable Standing Order Relating to Chapter 13 Case Administration, the Debtor requests and consents to disbursement by the Chapter 13 Trustee of payments prior to confirmation of the Plan to evidence the Debtor's good faith, promote successful completion of the case, and to provide adequate protection to secured creditors. The Debtor shall remit such payments to the Trustee commencing 15 days after the filing of the petition. Provided all conditions for disbursement are met and unless otherwise ordered by the Court, the Trustee shall begin disbursing to creditors as provided below, on the first regularly scheduled disbursement after 30 days after the the petition is filed. Payments under this paragraph will cease upon confirmation of the Plan.

Creditor/Collateral	Pre-Confirmation Payment Amount	Other Treatment Remarks
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III. Executory Contracts/Unexpired Leases/Contracts for Deed

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to assume the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

Pursuant to 11 U.S.C. §1322(b)(7) of the Bankruptcy Code, the Debtor hereby elects to reject the following executory contracts, unexpired leases, and/or contracts for deed, if any:

Creditor Name	Description of Contract	Election	In Default
(None)			

IV. Motion to Value Collateral Pursuant to 11 U.S.C. § 506

The Trustee shall pay allowed secured claims, which require the filing of a proof of claim, to the extent of the value of the collateral or the amount of the claim, whichever amount is provided for in Section VI(2), hereof, plus interest thereon at the rate specified in this Plan. Except for secured claims for which provision is made to pay the full amount of the claim notwithstanding the value of the collateral, the portion of any allowed claim that exceeds the value of the collateral shall be treated as an unsecured claim under Section VI(2)(F).

The Debtor(s) move(s) to value the collateral described below in the amounts indicated. The values as stated below represent the replacement values of the assets held for collateral, as required under Section 506(a)(2). Objections to valuation of collateral proposed by this Motion and Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely response or objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan.

Creditor / Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
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Continuation Sheet # 2

"I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on _____ ."

Debtor

Joint Debtor

V. Motion to Avoid Lien Pursuant to 11 U.S.C. § 522(f)

The Bankruptcy Code allows certain liens to be avoided. If a lien is avoided, the claim will not be treated as a secured claim but as an unsecured claim under Section VI(2)(F).

The Debtor moves to avoid the following liens that impair exemptions. Objections to lien avoidance as proposed in this Plan must be filed no later than ten (10) days prior to the confirmation hearing date. If no timely objection is filed, the relief requested may be granted in conjunction with confirmation of the Plan. (Debtor must list the specific exempt property that the lien impairs and the basis of the lien--e.g., judicial lien, nonpurchase-money security interest, etc.)

Creditor / Property subject to lien	Amount of Lien to be Avoided	Remarks

VI. Specific Treatment for Payment of Allowed Claims

1. PAYMENTS TO BE MADE BY THE DEBTOR DIRECTLY TO CREDITORS, INCLUDING POST-PETITION DOMESTIC SUPPORT OBLIGATIONS

A. Debtor(s) shall pay the following creditors directly. Creditors with claims based on a post-petition domestic support obligation ("DSO"), including all governmental units to which a DSO claim has been assigned, or is owed, or that may otherwise recover a DSO claim, MUST be paid directly. Minors should be identified by their initials only. If no DSO creditor is listed, the Debtor represents he/she has no domestic support obligation.

All direct payments listed below shall be made in addition to the Plan payments made by Debtor to the Chapter 13 Trustee as herein set forth. Secured creditors who are paid directly shall retain their liens, and the Debtor(s) shall maintain insurance on the collateral, in accordance with the terms of the documents creating the lien on the collateral.

Creditor / Collateral, if any (including the name of each DSO creditor)	Remarks	Debt Amount	Payment Amount/Interval
El Paso Tax Assessor-Collector 3221 Destiny Point	Thru 2015 direct pay by escrow	\$3,522.59	
Rocky Mountain Mortgag 3221 Destiny Point	Direct pay by debtors	\$134,540.87	\$1,263.00

B. Debtor surrenders the following collateral. Confirmation of the Plan shall operate to lift the automatic stay provided by 11 U.S.C. § 362(a) with respect to the collateral listed, and any unsecured deficiency claim may be filed in accordance with the procedures set forth in the Standing Order Relating to Chapter 13 Case Administration for this Division.

Creditor/Collateral	Collateral to Be Surrendered

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Continuation Sheet # 3

2. PAYMENTS TO BE MADE BY TRUSTEE TO CREDITORS

A. Administrative Expenses

Administrative Expenses shall include the Trustee's commission and debtor's attorney's fees. The Trustee shall receive up to 10% of all sums received. No fees or expenses of counsel for the debtor(s) may be paid until the filing fee is paid in full, and any fees and expenses that are allowed in addition to the fees and expenses originally agreed to be paid, may be paid only after all prior allowed fees and expenses have been paid.

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Watson Law Firm, P.C.	\$3,178.00	Along With	

B. Priority Claims, Including Domestic Support Obligation Arrearage Claims

Creditor	Estimated Amount of Debt	Payment Method: before secured creditors, after secured creditors, or along with secured	Remarks
Internal Revenue Service	\$5,507.04	Along With	

C. Arrearage Claims

Creditor / Collateral	Estimated Claim	Estimated Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks
Rocky Mountain Mortgag 3221 Destiny Point	\$20,161.25	\$1,314.13	Pro-Rata	5.25%	\$22,863.79	For arrearage

D. Cure Claims on Assumed Contracts, Leases, and Contracts for Deed

Creditor/Subject Property, if any	Estimated Amount of Cure Claim	Monthly Payment or Method of Disbursement	Remarks

E. Secured Creditors

Secured creditors shall retain their liens on the collateral that is security for their claims until the earlier of the date the underlying debt, as determined under non-bankruptcy law, has been paid in full, or the date of discharge under 11 U.S.C. § 1328. Therefore, if the debtor's case is dismissed or converted without completing of all Plan payments, the liens shall be retained by the creditors to the extent recognized by applicable non-bankruptcy law.

Creditor/Collateral	Estimated Claim	Value of Collateral	Monthly Payment or Method of Disbursement	Interest Rate	Anticipated Total to Pay	Other Treatment/Remarks (specifically note if claim amount to be paid although greater than value of collateral)
Conns Credit Corp Furniture	\$4,074.00	\$0.00	Pro-Rata	5.25%	\$4,620.19	Pay claim amount
Conns Credit Corp Furniture	\$3,376.00	\$0.00	Pro-Rata	5.25%	\$3,828.52	Pay claim amount

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Conns Credit Corp Furniture	\$2,386.00	\$0.00	Pro-Rata	5.25%	\$2,705.86	Pay claim amount
Conns Credit Corp Furniture	\$2,086.00	\$0.00	Pro-Rata	5.25%	\$2,365.58	Pay claim amount
Conns Credit Corp Furniture	\$1,830.00	\$0.00	Pro-Rata	5.25%	\$2,075.32	Pay claim amount
Conns Credit Corp Furniture	\$1,440.00	\$0.00	Pro-Rata	5.25%	\$1,633.04	Pay claim amount
El Paso Area Tchrs Fcu 2011 Chevy Avalanche	\$22,565.70	\$21,150.00	Pro-Rata	5.25%	\$25,590.55	Pay claim amount
Regional Fin Furniture	\$1,198.00	\$0.00	Pro-Rata	5.25%	\$1,358.57	Pay claim amount
Title Max 2006 Chevy Cobalt	\$3,026.00	\$3,550.00	Pro-Rata	5.25%	\$3,431.64	

F. General Unsecured Creditors (including claims from rejection of contracts, leases and contracts for deed).

Describe treatment for the class of general unsecured creditors.

General Unsecured Creditors will receive approximately **12%** of their allowed claims.

Creditor	Estimated Debt	Remarks
Acs/panhandl	\$0.00	
Acs/panhandle Plains	\$0.00	
Afni, Inc.	\$0.00	
American Express	\$0.00	
Attorney General Child Support	\$0.00	
Bf F Elp Llc	\$780.00	
Calvary Portfolio Services	\$0.00	
Cap1/helzb	\$0.00	
Capital One	\$0.00	
Chase auto	\$0.00	
Chase Card	\$0.00	
Chevron Texaco/ Citicorp	\$0.00	
Citifinancial	\$0.00	
Cpu/citi	\$0.00	
Credit Management Lp	\$0.00	
Credit One Bank	\$0.00	
Dept Of Education/neln	\$0.00	
DSRM National Bank/Diamond Shamrock/Vale	\$298.00	
Evolve Federal Cu	\$0.00	
Financial Corporation Of America	\$0.00	
First Financial Bk Na	\$204.00	
Household Furniture	\$0.00	
HSBC Auto Finance / Santander	\$0.00	
Internal Revenue Service	\$1,190.65	
Lobel Financial Corp	\$4,251.00	

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Nelnet Lns	\$0.00
Onemain Fi	\$8,473.00
Panhandle Plains	\$0.00
Pinnacle Credit Servic	\$1,397.00
Portfolio Rc	\$757.00
Sams Club / GEMB	\$0.00
Seventh Avenue	\$0.00
Synchrony Bank/ Dillards	\$0.00
Target Credit Card (TC)	\$0.00
Tx Guar Std	\$5,702.00
Tx Guar Std	\$5,546.00
World Fin	\$0.00
World Finance	\$656.69
Zale/Sterling Jewelers	\$0.00

Totals:

Administrative Claims	<u>\$3,178.00</u>
Priority Claims	<u>\$5,507.04</u>
Arrearage Claims	<u>\$20,161.25</u>
Cure Claims	<u>\$0.00</u>
Secured Claims	<u>\$41,981.70</u>
Unsecured Claims	<u>\$29,255.34</u>

VII. Supplemental Plan Provisions

The following are the Supplemental Plan Provisions:

Agreed Orders

Agreed Orders shall control in any conflict between Plan provisions and the provisions in the Agreed Orders.

Disposable Earnings

Pursuant to 11 U.S.C. § 1322(a)(1) of the Bankruptcy Code, the Debtor(s) shall submit all or such portion of future earnings or other future income of the debtor to the supervision and control of the trustee as is necessary for the execution of the plan. The Debtor(s) agree to report to the Trustee any changes in income that would necessitate modifying their plan by either increasing or decreasing their plan payment or increasing or decreasing payout to unsecured creditors

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Continuation Sheet # 6

Authorization to send monthly bills

Confirmation of the Plan shall constitute authority for creditors, such as lien-holders on real property and lien-holders on vehicles, who receive monies as direct payments from Debtor(s) as a result of Debtor(s) election to pay such monies outside of the plan to send monthly statements as a convenience to the Debtor(s) and such statements shall not be considered a violation of the provisions of the automatic stay.

Certain Pre-Confirmation Disbursements

If a creditor is listed as secured and scheduled to receive pre-confirmation disbursements and post-confirmation payments along with the other secured creditors, but such creditor subsequently files an unsecured claim, then the creditor will not receive any pre-confirmation disbursements and upon confirmation will be paid along with the other unsecured creditors. The funds that were allocated to such creditor as a pre-confirmation disbursement will be distributed on a pro-rata basis to the other secured creditors. Similarly, the funds scheduled to be received by such creditor along with other secured creditors on a pro-rata basis.

Misfiled and Unfiled Creditors Paid Accordingly

If any secured proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as secured unless, it is objected to. Said claims shall be paid under the plan at 5.5% interest. Likewise, if any priority proof of claim is timely filed for a debt that was either not listed or listed as unsecured, the claim shall be allowed as priority unless it is objected to. Said priority claim shall not be paid with any interest.

Respectfully submitted this date: 11/4/2015.

/s/ Karla P. Griffin

Karla P. Griffin
1123 E. Rio Grande
El Paso, Texas 79902
Phone: (915) 562-4357 / Fax: (866) 201-0967
(Attorney for Debtor)

/s/ Tomas J Murga, Sr.

Tomas J Murga, Sr.
3221 Destiny Point
El Paso, TX 79938
(Debtor)

/s/ Julieta Zermenio Murga

Julieta Zermenio Murga
3221 Destiny Point
El Paso, TX 79938
(Joint Debtor)

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EXHIBIT "B" - VARIABLE PLAN PAYMENTS

PROPOSED PLAN OF REPAYMENT (VARIABLE PAYMENTS INTO THE PLAN)

Month	Payment	Month	Payment	Month	Payment
1	\$1,175.00	21	\$1,585.00	41	\$1,585.00
2	\$1,175.00	22	\$1,585.00	42	\$1,585.00
3	\$1,175.00	23	\$1,585.00	43	\$1,585.00
4	\$1,175.00	24	\$1,585.00	44	\$1,585.00
5	\$1,585.00	25	\$1,585.00	45	\$1,585.00
6	\$1,585.00	26	\$1,585.00	46	\$1,585.00
7	\$1,585.00	27	\$1,585.00	47	\$1,585.00
8	\$1,585.00	28	\$1,585.00	48	\$1,585.00
9	\$1,585.00	29	\$1,585.00	49	\$1,585.00
10	\$1,585.00	30	\$1,585.00	50	\$1,585.00
11	\$1,585.00	31	\$1,585.00	51	\$1,585.00
12	\$1,585.00	32	\$1,585.00	52	\$1,585.00
13	\$1,585.00	33	\$1,585.00	53	\$1,585.00
14	\$1,585.00	34	\$1,585.00	54	\$1,585.00
15	\$1,585.00	35	\$1,585.00	55	\$1,585.00
16	\$1,585.00	36	\$1,585.00	56	\$1,585.00
17	\$1,585.00	37	\$1,585.00	57	\$1,585.00
18	\$1,585.00	38	\$1,585.00	58	\$1,585.00
19	\$1,585.00	39	\$1,585.00	59	\$1,585.00
20	\$1,585.00	40	\$1,585.00	60	

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Debtor

CASE NO. 15-31296

Julieta Zermenio Murga
Joint Debtor

CHAPTER 13

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that on November 4, 2015, a copy of the attached Chapter 13 Plan, with any attachments, was served on each party in interest listed below, by placing each copy in an envelope properly addressed, postage fully prepaid in compliance with Local Rule 9013 (g).

/s/ Karla P. Griffin

Karla P. Griffin
Bar ID:24074659
Watson Law Firm, P.C.
1123 E. Rio Grande
El Paso, Texas 79902
(915) 562-4357

Acs/panhandl
xxxxxx8273
501 Bleecker St
Utica, NY 13501

Attorney General Child Support
xxxxxx0251
Attn: Bankruptcy
PO Box 12017 Credit Group
Austin, TX 78711

Capital One
xxxxxxxxxxxx0874
Po Box 5253
Carol Stream, IL 60197

Acs/panhandle Plains
xxxxxx8272
501 Bleecker St
Utica, NY 13501

Bf F Elp Llc
xxxxxxxx8439
424 N Yarborough
El Paso, TX 79915

Chase auto
xxxxxxxx5817
Attn: National Bankruptcy Dept
PO Box 29505
Phoenix, AZ 85038

Afni, Inc.
xxxxxx8827
Po Box 3097
Bloomington, IL 61702

Calvary Portfolio Services
xxxx5785
Attention: Bankruptcy Department
500 Summit Lake Dr. Suite 400
Valhalla, NY 10595

Chase Card
xxxxxxxxxxxx6521
P.o. Box 15298
Wilmington, DE 19850

American Express
xxxxxxxxxxxx0613
PO Box 3001
16 General Warren Blvd
Malvern, PA 19355

Cap1/helzb
xxxxxxxxxxx3985
Po Box 30253
Salt Lake City, UT 84130

Chevron Texaco/ Citicorp
xxxxxx6232
Citicorp Credit Svcs/Attn:Centralized Ba
PO Box 790328
Saint Louis, MO 63179

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*Debtor*Julieta Zermenio Murga

CHAPTER 13

*Joint Debtor***CERTIFICATE OF SERVICE**

(Continuation Sheet #1)

Citifinancial xxxxxxxxxxxx2311 300 Saint Paul Pl Baltimore, MD 21202	Cpu/citi xxxxx3033 Po Box 6497 Sioux Falls, SD 57117	Evolve Federal Cu xxxxxxxx0001 8840 Gazelle Dr El Paso, TX 79925
Conns Credit Corp xxxxx8831 Box 2358 Beaumont, TX 77704	Credit Management Lp xxxx5116 12990 Pandora Dr Ste 150 Dallas, TX 75238	Financial Corporation Of America xxxx5495 Attn: Bankruptcy PO Box 203500 Austin, TX 78720
Conns Credit Corp xxxxx2732 Box 2358 Beaumont, TX 77704	Credit One Bank xxxxxxxxxxx6076 PO Box 98873 Las Vegas, NV 89193	First Financial Bk Na xxxxxxxx1806 400 Pine St Abilene, TX 79601
Conns Credit Corp xxxxx8830 Box 2358 Beaumont, TX 77704	Dept Of Education/neln xxxxxxxxxxx4949 121 S 13th St Lincoln, NE 68508	Household Furniture x3910 7601 N Loop Dr El Paso, TX 79915
Conns Credit Corp xxxxx2730 Box 2358 Beaumont, TX 77704	DSRM National Bank/Diamond Shamrock/Vale xxxxxxxxxxx0000 PO Box 631 Amarillo, TX 79105	HSBC Auto Finance / Santander xxxxxxxxxx6986 Santander Consumer USA PO Box 961245 Fort Worth, TX 76161
Conns Credit Corp xxxxx2731 Box 2358 Beaumont, TX 77704	EI Paso Area Tchrs Fcu xxxxxx0400 12020 Rojas Dr EI Paso, TX 79936	Internal Revenue Service Centralized Insolvency Operations PO Box 7346 Philadelphia, PA 19101-7346
Conns Credit Corp xxxxx2733 Box 2358 Beaumont, TX 77704	EI Paso Tax Assessor-Collector 221 North Kansas Suite 300 EI Paso, Texas 79901	Linebarger Goggan Blair & Sampson, LLP 711 Navarro, Suite 300 San Antonio, TX 78205

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*Debtor*Julieta Zermenio Murga

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*Joint Debtor***CERTIFICATE OF SERVICE**

(Continuation Sheet #2)

Lobel Financial Corp
xx1045
Attn: Bankruptcy
PO Box 3000
Anaheim, CA 92803

Rocky Mountain Mortgag
xxxxxx0908
2244 Trawood Dr
El Paso, TX 79935

Title Max
12496 Montana Ave
El Paso, TX 79938

Nelnet Lns
xxxxx5649
3015 S. Parker Rd, Ste 425
Aurora, CO 80014

Rocky Mountain Mortgag
2244 Trawood Dr
El Paso, TX 79935

Tomas J Murga, Sr.
3221 Destiny Point
El Paso, TX 79938

Onemain Fi
xxxxxxxxxxxx5393
6801 Colwell Blvd
Irving, TX 75039

Sams Club / GEMB
xxxxxxxxxxx3137
Attention: Bankruptcy Department
PO box 103104
Roswell, GA 30076

Tx Guar Std
xxxxxxxxxxxxxxxxx3502
TG/Attn. Bankruptcy Department
PO Box 659602
San Antonio, TX 78265

Panhandle Plains
xxx1739
1303 23rd Street
Canyon, TX 79015

Seventh Avenue
xxxxxxxx1630
1112 7th Ave
Monroe, WI 53566

Tx Guar Std
xxxxxxxxxxxxxxxxx3503
TG/Attn. Bankruptcy Department
PO Box 659602
San Antonio, TX 78265

Pinnacle Credit Servic
xxxx5003
Po Box 640
Hopkins, MN 55343

STUART C. COX
Standing Chapter 13 Trustee,
1760 North Lee Trevino Dr.
El Paso, TX 79936

US Attorney Office
Main Justice Building, Rm 5111
10th & Constitution Ave., N.W.
Washington, DC 20530

Portfolio Rc
xxxxxxxxxxxx1690
287 Independence
Virginia Beach, VA 23462

Synchrony Bank/ Dillards
xxxxxxxxxxx7419
Attn: Bankruptcy
PO Box 103104
Roswell, GA 30076

World Fin
xxxxxx1901
World Acceptance Corp/Attn
Bankruptcy
PO Box 6429
Greenville, SC 29606

Regional Fin
xxxxxx6801
1700 N Zaragoza Rd
El Paso, TX 79936

Target Credit Card (TC)
xxxxx6194
C/O Financial & Retail Services
Mailstop BT P.O. Box 9475
Minneapolis, MN 55440

World Finance
7021 Alameda Ave Suite C
El Paso, TX 79915

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Debtor

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Julieta Zermenio Murga
Joint Debtor

CHAPTER **13**

CERTIFICATE OF SERVICE

(Continuation Sheet #3)

Zale/Sterling Jewelers
xxxxxxxxxxxx4653
Attn.: Bankruptcy
PO Box 1799
Akron, OH 43309